



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPR, OPC, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated May 2, 2013, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on May 13, 2013, as evidenced by the Canada Post tracking number, the tenant did not appear.

At the outset of the hearing, the landlord stated that the tenant vacated the unit around mid-May 2013. The landlord no longer requires an Order of Possession, but still seeks a monetary order for the rent owed.

Issue(s) to be Decided

Is the landlord entitled to compensation for rental arrears and loss of revenue?

Background and Evidence

The landlord testified that the tenancy began on April 1, 2013 at which time the tenants paid a total security deposit of \$362.50. The landlord testified that when the tenant failed to pay a portion of the rent owed for May in the amount of \$362.50, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served on the tenant by posting it on the tenant's door on May 2, 2013.

The landlord testified that the tenant vacated without paying the \$362.50 in arrears and the rental unit was left in a condition that prevented it from being re-rented for June 1, 2013. The landlord testified that they suffered a further loss of revenue in the amount of \$725.00 which is being claimed as well.

The landlord testified that the unit still required significant repairs and cleaning and believes that further compensation for cleaning and repairs is warranted..

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$1,137.50 comprised of \$362.50 rental arrears for May 2013, loss of \$725.00 revenue for June 2013 and the \$50.00 cost of the application. I order the landlord to retain the security deposit of \$362.50 in partial satisfaction of the claim leaving a balance to the landlord of \$775.00.

With respect to the landlord's further claims in damages relating to cleaning or repairs, I find that this application cannot be amended at this point to add further monetary claims, as the amendment and evidence supporting the additional claims have not been submitted nor served on the other party. Under the Residential Tenancy Rules of Procedure all evidence must be submitted and served at least five days prior to the hearing. Therefore, I make no findings on any of the landlord's additional damage claims and the landlord is at liberty to make a separate application should the landlord decide to pursue additional compensation for cleaning and repairs.

I hereby grant the Landlord an order, under section 67 of the Act, for \$775.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted a monetary order for rental arrears and loss of revenue. The request for the order of possession was found to be moot as the tenant vacated prior to the hearing.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 05, 2013

Residential Tenancy Branch